

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

FELIX P. BABAUTA	§	
	§	
VS.	§	CIVIL ACTION NO. H-08-251
	§	
HARRIS COUNTY SHERIFF'S	§	
DEPARTMENT, ET AL.	§	

ORDER ADOPTING REPORT AND RECOMMENDATION OF MAGISTRATE JUDGE

Pending is Plaintiff Felix P. Babauta's Motion for Extension of Time to File Notice of Appeal (Document No. 82). The Court has received from the Magistrate Judge a Report and Recommendation (Document No. 84) recommending that the Motion be denied for lack of jurisdiction. Babauta has filed objections to the Report and Recommendation of the Magistrate Judge (Document No. 90).

After having made a *de novo* determination of the pending Motion and having carefully reviewed the Magistrate Judge's Report and Recommendation, the Court is of the opinion that the Report and Recommendation of the Magistrate Judge is correct: Babauta's Motion was untimely filed and the Court, therefore, lacks jurisdiction to consider it. Accordingly, the substance of the Report and Recommendation is ACCEPTED by the Court.

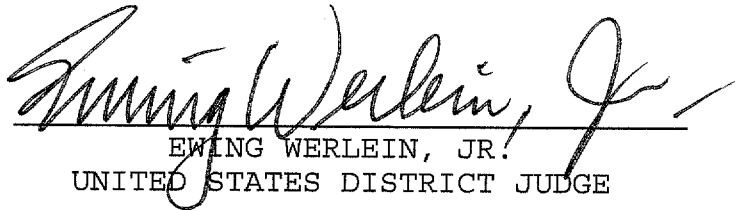
It is therefore

ORDERED and ADJUDGED for the reasons set forth in the Report and Recommendation of the United States Magistrate Judge signed and entered on November 5, 2009, that Plaintiff Felix P. Babauta's

Motion for Extension of Time to File Notice of Appeal (Instrument No. 82) is DENIED for lack of jurisdiction.

The Clerk will enter this Order, providing a correct copy to all parties of record.

SIGNED in Houston, Texas, on this 23rd day of January, 2010.


EWING WERLEIN, JR.
UNITED STATES DISTRICT JUDGE